

Message Text

UNCLASSIFIED

PAGE 01 VIENNA 00600 261156Z
ACTION EUR-12

INFO OCT-01 ISO-00 EB-08 TRSE-00 /021 W
-----261205Z 050357 /20

R 261126Z JAN 77
FM AMEMBASSY VIENNA
TO SECSTATE WASHDC 0605
USDOC WASHDC
INFO AMEMBASSY BONN
AMCONSUL FRANKFURT

UNCLAS VIENNA 0600

PASS USDOC WHITELY, TREASURY (US CUSTOMS SERVICE)
BONN AND FRANKFURT FOR US CUSTOMS SERVICE

EO 11652: NA
TAGS: ETRD, AU
SUBJECT: ANTIDUMPING PROCEEDINGS- REOPENING OF INVESTIGATION OF
RAILWAY TRACK MAINTENANCE EQUIPMENT FROM AUSTRIA

REF: VIENNA 296

1. SUMMARY. SEMI-OFFICIAL AUSTRIAN FEDERAL CHAMBER OF

COMMERCE, WITH TRADE MINISTRY CONCURRENCE, ADVISED PLASSER
AND THEUERER (P&T) NOT TO MEET WITH US CUSTOMS REPS
UNTIL OFFICIAL GOA INQUIRY REGARDING REOPENING OF ANTI-
DUMPING INVESTIGATION HAS BEEN ANSWERED. AUSTRIAN
POSITION BASED ON ALLEGED FAILURE OF USG TO COMPLY WITH
PROVISIONS OF ARTICLE 6B OF GATT ANTI-DUMPING CODE.

END SUMMARY.

2. P&T DIRECTOR KURT EICHINGER AND TWO OTHER OFFICIALS CALLED ON EMBOFF JANUARY 20 TO EXPLAIN THEIR POSITION UNCLASSIFIED

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ON US ANTI-DUMPING INVESTIGATIO. EICHINGER SAID
THAT TRADE MINISTRY HAD SENT TELEX TO AUSTRIAN
EMBASSY IN WASHINGTON NOVEMBER 29 STATING THAT BEFORE
MINISTRY AUTHORIZED US CUSTOMS TO VISIT P&T, EMBASSY
SHOULD OBTAIN INFORMATION ON GROUNDS FOR REOPENING
CASE AND SUPPORTING EVIDENCE THEREFOR. REQUEST TO
US AUTHORITIES WAS TO BE MADE PURSUANT TO ARTICLE

6B OF GATT ANTI-DUMPING CODE. FOLLOWUP INQUIRY REPORTEDLY SENT JANUARY 5. EICHINGER SAID TO DATE GOA HAD RECEIVED NO REPLY AND THAT P&T HAD NOT BEEN AUTHORIZED TO RECEIVE VISIT FROM US CUSTOMS. HE ASSURED EMBOFF P&T WOULD AGREE TO VISIT AS SOON AS PERMITTED TO DO SO.

3. EMBOFF SAID HE HAD UNDERSTOOD FROM RESPOISIBLE OFFICIAL IN TRADE MINISTRY THAT IT HAD NOT VETOED MEETING WITH US CUSTOMS. EICHINGER REPLIED THAT MISUNDERSANDING ON THIS POINT MAY HAVE ARISEN SINCE FIRM HAD NOT DEALT DIRECTLY WITH TRADE MINISTRY, BUT RATHER HAD GONE THROUGH SEMI-OFFICIAL FEDERAL CHAMBER OF COMMERCE.

4. SUBSEQUENT CALLS TO HEINRICH LEDERLEITNER, HEAD OF FEDERAL CHAMBER'S CUSTOMS DEPARTMENT, AND TRADE MINISTRY CONFIRMED EICHINGER'S STATEMENT. LEDERLEITNER SAID CHAMBER, WITH CONCURRENCE OF TRADE MINISTRY, HAD TOLD FIRM NOT TO MEET WITH US CUSTOMS UNTIL USG COMPLIED WITH ARTICLE 6B OF GATT ANTI-DUMPING CODE. LEDERLEITNER ADDED THAT P&T CASE WAS FIRST TO COME UP SINCE CHAMBER REMINDED AUSTRIAN FIRMS LAST NOVEMBER THAT PRIOR GOA APPROVAL WAS REQUIRED FOR INVESTIGATIONS BY FOREIGN CUSTOMS OFFICIALS (SEE 76 VIENNA A-405). NEW INSTRUCTIONS ARE AIMED AT ACHIEVING STRICTER COMPLIANCE WITH GATT CODE BY FOREIGN CUSTOMS AUTHORITIES. TRADE MINISTRY OFFICIALS ELABORATED THAT IN GOA VIEW, CODE REQUIRES UNCLASSIFIED

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COMPLAINING COUNTRY TO PRESENT EVIDENCE OF ALLEGED DUMPING BEFORE CONDUCTING INVESTIGATION OF FOREIGN FIRM.

5. WITH REAGRD TO SUBSANCE OF CASE EICHINGER MADE THE FOLLOWING POINTS:

A) P&T HAD ASKED FOR TERMINATION OF ORIGINAL ANTI-DUMPING CASE, BUT INSTEAD PROCEEDINGS WERE ONLY DISCOUTINUED. P&T HAD NEVER RECEIVED ANY EXPLANATION FOR THIS.

B) P&T HAD NEVER GIVEN ANY PRICE ASSURANCES IN CONNECTION WITH DISCONTINUANCE GRANTED MARCH 24, 1972.

C) P&T HAD SIGNIFICANT ASSEMBLY AND DISTRIBUTION OPERATIONS IN CHESAPEAKE, VIRGINIA, FOR WHICH THEY ANNOUNCED AN ADDED INVESTMENT OF 1.5 MILLION DOLLARS LATE IN 1976.

D) ONE MACHINE REPORTEDLY NAMED IN CURRENT
ANTI-DUMPING COMPLAINT, A BALLAST REGULATOR, IS TO
BE COMPLETELY PRODUCED IN USA BY LATE 1977.

E) P&T EXPORTS TO THE US ARE ROUGHLY BALANCED
BY PURCHASES FROM US FIRMS AND US SUBSIDIARIES IN
EUROPE FOR EXPORT TO THIRD COUNTRIES.

6. INFORMATION SUPPLIED BY EICHINGER ON P&T'S US
AND AUSTRIAN OPERATIONS BEING POUCHED TO TIBORSKY,
US CUSTOMS IN FRANKFURT.

7. EMBASSY RECEIVED LETTER DATED JAN. 20 FROM A.
F. BYGATE, VICE PRSIDENT OF TAMPER, CONFIRMING
THAT HE WILL BISIT EMBASSY FEB. 4. IN VIEW OF
CIRCUMSTANCES NOTED PARA 6 REFTTEL, WE WOULD
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APPRECIATE ANY GUIDANCE OR ADDITIONAL INFO ADDRESSEES
CAN PROVIDE. BUCHANAN

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: EQUIPMENT, ANTIDUMPING LAW (TRADE), INVESTIGATIONS, RAILROADS
Control Number: n/a
Copy: SINGLE
Sent Date: 26-Jan-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977VIENNA00600
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770028-0324
Format: TEL
From: VIENNA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770114/aaaaamra.tel
Line Count: 141
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 0bd538d0-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: UNCLASSIFIED
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Original Previous Classification: n/a
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Retention: 0
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Review Release Date: n/a
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Review Withdrawn Fields: n/a
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Subject: ANTIDUMPING PROCEEDINGS- REOPENING OF INVESTIGATION OF RAILWAY TRACK MAINTENANCE EQUIPMENT FROM AUSTRIA
TAGS: ETRD, AU, US
To: STATE COM
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/0bd538d0-c288-dd11-92da-001cc4696bcc
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